

If confirmed as Administrator, I will evaluate all guidance documents and policies to ensure that they represent faithful execution of the duties imposed on me, and powers granted to me, by Congress. If the guidance and policy you referenced, I will keep them in place.

39. The 2014 U.S. National Climate Assessment concludes that climate change will impact every community in the United States, and that low-income communities and communities of color will be the hardest hit. These vulnerable communities will feel the impacts of climate change more severely due to lower quality housing, which is often less equipped to safely weather severe storms, severe heat, and freezing temperatures. How will you work to reduce climate change risks in low-income communities and communities of color?

I believe environmental justice for low-income and minority communities is an important role of the EPA Administrator. If confirmed, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment for all of our nation's citizens.

40. I understand that there are two political action committees affiliated with you. A spokesperson has made the statement that both PACs will be closed by the end of the month. Can you confirm that that both PACs will be closed by then?

I do not control either of the political action committees to which you refer, and thus cannot confirm their intentions. As you have heard, however, I have also heard that both entities have announced that they will wind down their activities.

41. It has also been reported that a 501(c)(4) organization called Protecting America Now has been created to raise funds to support your confirmation. If you are confirmed, will you make sure that Protecting American Now is disbanded? Please provide a list of Protecting America Now's donors.

I am not affiliated in any way with "Protecting America Now," and thus have no ability to disband the organization. For the same reason, I have no knowledge of the group's donors.

42. When is it appropriate for the Federal government to regulate pollution rather than states?

Many federal environmental statutes were designed with the idea that the states would be the principal implementer. I believe it is essential to begin with that model. There are instances where the federal government approves or disapproves state programs or issues implementation plans in lieu of the state involved. However, this should be the vast exception to the rule. Some environmental statutes like CERCLA place the principal responsibility with the federal government for the important remediation activities under that statute. However, even with statutes like CERCLA, EPA still have an obligation with work with states and localities in designating sites which need remediation and most importantly in developing remediation plans.

43. Do you personally disagree with any existing Federal environmental law, or any provisions of any existing Federal environmental laws? If so, please explain which and why.

If confirmed, I will faithfully execute the laws as enacted by Congress.

44. Which EPA regulations do you believe should instead be left to states to implement, and why?

I believe federal environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

45. When states or local governments regulate pollution with different sets of standards, various industry groups have raised the concern that it creates a patchwork of regulatory policies that make compliance difficult. Do you share this concern, and why?

As I testified in the hearing, I have pursued opportunities to address interstate environmental quality matters. One of the examples I have highlighted is the work that Arkansas Attorney General Dustin McDaniel and I took to address an enforceable water quality standard between Arkansas and Oklahoma. I have also discussed how Texas should be responsible when air quality issues affect Oklahoma and my experience with that. When

negotiations among and between states breakdown EPA has a role to set environmental standards. However, that is should be a last course of action instead of the first. I believe environmental statutes are designed with states as a primary implementer. Environmental statutes envision that states have the delegated enforcement and primacy to implement and enforce environmental statutes. Only when that is not happening or when negotiations between and among states breakdown should EPA determine a dispute and only after attempting to assist states negotiate a local solution. I am fond of saying that we need national standards and neighborhood solutions. I think that should shape the work of the EPA.

46. Do you believe that the Renewable Fuel Standard is an appropriate regulatory role for the EPA versus states?

Section 211(o) of the Clean Air Act provides the Administrator of the EPA with the authority and responsibility to administer the RFS program. If confirmed, I will work to administer the RFS in accordance with statute and Congressional intent.

47. Do you agree that there should be national fuel economy standards to reduce tailpipe pollution from cars and make vehicles more fuel efficient? Please explain.

While the EPA regulates emissions under the Clean Air Act, it is true that Congress vested authority to regulate fuel economy through the Corporate Average Fuel Economy (CAFE) standards" framework set forth originally in the Energy Policy and Conservation Act. Congress vested responsibility for the CAFE program in the Department of Transportation, not the EPA; accordingly, I take no position on Congress's policy decision on this subject.

48. Do you support California's authority under the Clean Air Act to receive a waiver from the EPA to set emissions standards for vehicles that are stronger than EPA standards?

In the Clean Air Act, Congress provided that the EPA Administrator may waive the Clean Air Act's preemptive effect over some of California's state air quality standards for mobile sources, when certain specific statutory criteria are met. If confirmed as EPA Administrator, I will administer this program in accordance with Congress's objectives, on a case-by-case basis in accordance with the law and with the administrative record in any given case, upon proper petition by California.

49. You are currently representing Oklahoma as one of 13 petitioners challenging EPA's standards limiting conventional, toxic, and greenhouse gas pollutants from new oil and gas facilities. Please describe how Oklahoma would prefer to handle these pollutants in the absence of EPA regulation. If your proposed pollution standards are more lax than the EPA's standards, please provide information supporting the why your standards are preferable from a public health standpoint.

As Attorney General, I sought to ensure that the Oklahoma Legislature retained its power to make policy for Oklahoma. Policymaking is the province of the legislature. Thus, I have no opinion with regard to what environmental policy might be appropriate.

50. Please also describe, and provide the same information, for what Oklahoma's policies would be should Oklahoma and its fellow petitioners be successful in challenging the EPA's implementation of the Cross-State Air Pollution Rule.

As my testimony indicates, I firmly believe that the EPA plays an important role in addressing interstate air quality issues, but it must do so within the bounds of its legal authority and justified by a record of support. The actions undertaken by the Office of Attorney General challenging certain EPA regulations have been because EPA exceeded its legal authorities as established by Congress and interpreted by the courts. The Department of Environmental Quality is responsible for implementing and enforcing environmental laws in Oklahoma.

51. You also represent Oklahoma as a petitioner in ongoing litigation against the EPA's 111(b) standards for CO2 emissions for new, modified, and reconstructed power plants. Should you win your suit, will Oklahoma take any steps to regulate power plant CO2 emissions, or does the state plan to continue not regulating CO2 emissions?

I will not prejudge the outcome of any rule that is the subject of ongoing litigation if I am confirmed.

52. As Attorney General, your role was also to prosecute environmental cases within Oklahoma. Please list all environmental cases you have originated as Oklahoma's Attorney General, and provide all documents related to those cases and a summary of the outcomes of those cases.

Please see the list of cases attached to this response.

53. The Environmental Protection Unit was eliminated as a group within the Attorney General's office once you became Attorney General. This appears to indicate a decrease in support, or at least priority, for pursuing environmental cases within your office compared to your predecessor. To clarify if you have continued to pursue environmental cases as Oklahoma Attorney General, please provide description and documentation of all the environmental cases that were handled by your office versus the AG's office during Drew Edmondson's tenure. Please also describe the work your office did on any environmental cases that were begun during your predecessor's tenure but were continued or completed by your office.

My office continues to employ attorneys vested with responsibilities related to environmental protection, including the attorney who served as the lead attorney on the previous attorney general's "environmental protection unit." That attorney's responsibilities remain unchanged (he has been promoted, in fact), and he pursues exactly the kind of cases that he pursued under the previous attorney general. The only thing that changed was the internal organization of the attorneys vested with those responsibilities, because I concluded (consistent with the practices of every attorney general in the State's history but for my immediate predecessor) that it was not operationally efficient to have a separate unit for such work. Thus, I chose to house that work in the Office's Public Protection Unit and then later in the Solicitor General's Unit. As I explained in my testimony to the committee, my office continues to pursue environmental cases. I do not possess lists of cases pursued by my predecessor so I cannot provide the comparative that you request. I am aware that many environmental cases take many, many years to litigate to completion, so some of the actions that my Office continues to pursue were initiated prior to my taking office. Please see attached list of cases.

54. As part of the Water Infrastructure Improvements for the Nation (WIIN) Act of 2016, Congress passed the Columbia River Restoration Act, a program which gives the EPA authority to create a competitive grant program to address environmental cleanup and restoration in the Columbia River Basin. This program empowers states and local communities to better coordinate and implement local cleanup and restoration efforts. Will you, as EPA administrator, work to advance and implement this bipartisan effort to empower local entities and states?

While I am not familiar with the Columbia River Basin restoration program, I support collaborative efforts and neighborhood solutions. I also respect

Congressional authorizations. If confirmed, I will ask the EPA staff to brief me on this program and the new authority granted by Congress.

55. In January, 2017, the EPA announced \$17 million in credit assistance for the Water Infrastructure Finance and Innovation Act (WIFIA). This program, initially passed into law as part of the 2014 WRDA bill, now has the funding needed to allow EPA to make approximately \$1 billion in loans and leverage a total \$2 billion in total water-infrastructure investment. As you mentioned in your hearing, water infrastructure is critically needed, but often overlooked. Will you, as EPA administrator, work to ensure adequate resources to implement the WIFIA loan program, and seek further funding and assistance for other water infrastructure programs and initiatives, such as the Drinking Water State Revolving Fund?

Yes, if confirmed.

56. The Federal Government has a long history of activities within Portland Harbor, which in 2000 was designated a Superfund site and is now one of the largest and most complex Superfund sites in the country. The history of Federal activities within the Superfund site includes ship building, repairing, and dismantling, as well as a variety other activities that likely led to some amount of contamination of the river. Today, the Willamette river sediment within the Portland Harbor Superfund site is contaminated with compounds associated with the activities carried out by the Federal government over the course of many decades. Now that the Environmental Protection Agency has issued its final Record of Decision for this Superfund site, there will be a process to divide up cleanup responsibilities among parties responsible for the contamination. Can you commit to work with the appropriate Federal agencies, such as the Department of Defense and Department of Justice, to ensure that the Federal government engages proactively with relevant stakeholders during the allocation process, takes ownership for its share of the contamination, and pays its fair share of the cleanup?

I am not familiar with the details of the remedy that has been selected for the Portland Harbor Superfund site. If confirmed, I expect to make clean up of contaminated sites one of my priorities and would be interested in hearing the views of the Congressional Delegation and other stakeholders on the issues raised by this cleanup plan.

Senator Sanders:

The Environmental Protection Agency (EPA) has approximately 15,000 employees. The following questions ask how you, as Administrator, would treat civil servants and make human resource decisions.

1. Do you support--and promise to uphold--the merit system principles set forth in Chapter 23 Title 5 U.S. Code, which prohibit factors other than merit from consideration in civil service employment decisions?

If confirmed, I commit to implementing the law as enacted by Congress.

2. As Administrator, do you support use of the Holman Rule, which allows any member of Congress to propose amending an appropriations bill to single out a government employee or cut a specific program? Will you support Congress in passing an amendment under the Holman Rule?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

3. Is retention and recruitment of a high quality scientific workforce at EPA a priority for you?

Yes.

4. As Administrator, do you believe that you will be better able to recruit and retain top talent at the EPA under conditions where Congress is able to individually target employees based on political considerations?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

5. As Administrator, do you support Congress targeting and altering the salaries of individuals within the EPA?

If confirmed as Administrator, I would implement the law and work with the Agency in accordance with the laws passed by Congress.

6. As Administrator, how will you generally view the division of responsibility and authority between Congress and your Department on personnel issues?

In my view, Congress passes the laws governing executive branch personnel.

On June 14 2016, EPA Administrator Gina McCarthy signed an order on "Transgender and Gender Non-Conforming Employees" (<http://src.bna.com/f0T>) and said at the time that it "reinforces that discrimination of any kind in the EPA workplace is unacceptable, including discrimination on the basis of gender identity, expression or perceived non-conformity." Among other things, the order states that an "employee should be permitted to use the [sanitary and related] facilities that correspond with their gender identity." This is in stark contrast to the suit you filed with 10 other attorneys general challenging the guidance issued under President Obama on accommodating transgender students in public schools.

7. Will you as EPA Administrator ensure that Administrator McCarthy's order is vigorously implemented, and continue to ensure that transgender and gender non-conforming employees are not discriminated against on the basis of their gender-identities?

If confirmed, I commit to protecting the rights of all EPA employees and will follow the law.

As Attorney General, you disbanded your office's Environmental Protection Unit and reduced your office's funding for environmental law to zero.

8. In your personal opinion, what are the most pressing air and water quality challenges that deserve the attention of the EPA? What would you do at the EPA to better address these challenges, if anything?

As discussed, the Oklahoma Department of Environmental Quality -- not the Office of Attorney General -- has primary responsibility for implementing and enforcing environmental laws in Oklahoma. Consistent with the practice of every Attorney General save one, I determined that a standalone unit was operationally inefficient. I opted to combine the Environmental Protection Unit and the Consumer Protection Unit into a single unit called the "Public Protection Unit." The Public Protection Unit continued the work of the Environmental Protection Unit, and that work continues to this day, headed by the very same attorney who worked in the Environmental Protection Unit under the prior Attorney General. As discussed, I believe EPA plays an

important role in addressing cross-state pollution, and if confirmed, I would expect to work cooperatively with states to address the problems of environmental pollution.

The Keystone Sanitary Landfill (KSL) is an existing 714-acre landfill located in the boroughs of Dunmore and Throop, Pennsylvania. KSL has submitted an application to the Pennsylvania Department of Environmental Protection (DEP) for a permit modification to expand the facility's disposal capacity by approximately 145 million cubic yards. The permitting and approval of this process is strictly under the jurisdiction of the Pennsylvania DEP.

Under Subtitle D of the Resource Conservation and Recovery Act of 1976, states play a lead role in ensuring the federal criteria for operating municipal solid waste and industrial waste landfills regulations are met, and they may set more stringent requirements. Under the Hazardous and Solid Waste Amendments of 1984, EPA was authorized to determine the adequacy of the state permit programs. In the absence of an approved state program, the federal requirements must be met by waste facilities.

9. Are you committed to maintaining the process to determine the adequacy of a state's municipal solid waste management plan as required under the Hazardous and Solid Waste Amendments of 1984?

If confirmed, I commit to faithfully executing the laws I would be responsible for administering as EPA Administrator.

10. Further, if a state does not have an approved state program, are you committed to inspecting and enforcing federal requirements including the prohibition on open dumping?

If confirmed, I commit to faithfully executing the laws I would be responsible for administering as EPA Administrator.

11. Constituents have expressed concerns regarding the potential impact on the environment, quality of life, health and traffic congestion as a result of the Keystone Sanitary Landfill. How do you intend to work collaboratively with states in the event that a state violates the federal Clean Water Act or the Safe Drinking Water Act or a state requests assistance from EPA?

I believe states play an important role in administering environmental laws such as the Clean Water Act, and if confirmed, I would expect to work cooperatively with states toward our shared goal of protecting human health and the environment consistent with EPA's legal authorities.

During your hearing, you stated that climate change was not a hoax, but you also were reluctant to discuss your views on the causes of climate change. You stated that your personal views were not relevant. However, as Attorney General, you challenged EPA's 2009 finding that greenhouse gases, including those from fossil fuels, endanger public health and welfare, due to anthropogenic climate change. The EPA went through an exhaustive scientific review and public comment process prior to issuing the Endangerment Finding, but in the lawsuit you labeled it "arbitrary and capricious." The Endangerment Finding references more than 100 published scientific studies and reports by the U.S. Climate Change Science Program/U.S. Global Change Research Program, the Intergovernmental Panel on Climate Change (IPCC), and the National Research Council of the U.S. National Academy of Sciences.

12.As Administrator, will you recognize the findings of the U.S. Climate Change Science Program/U.S. Global Change Research Program and the National Research Council of the U.S. National Academy of Sciences on the science of climate change, including its anthropogenic causes?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate.

In 2014, the Gund Institute for Ecological Economics and the University of Vermont released the Vermont Climate Assessment report. The report found that many of our state's communities have already been highly impacted by climatic changes and are engaged in processes to respond to these transitions. Some populations and regions of the state are particularly vulnerable, including rural areas and those increasingly exposed to extreme weather events. Flooding, such as experienced under Tropical Storm Irene, has been devastating to some of our state's communities. EPA partnered with Vermont in incorporating smart growth policies to increase flood resilience after the tropical storm. Under direction from Executive Order 13653, Preparing the United States for the Impacts of Climate Change, EPA and New England's EPA Region 1 both have developed climate adaptation plans that assist our region in preparing for these changes.

13. Will you support EPA's continued climate adaptation planning and implementation in accordance with Executive Order 13653?

If confirmed, I will work to ensure the agency complies with and operates according to all applicable Executive Orders.

14. Do you support the Paris Climate Agreement?

The role of the United States in the Paris Agreement is a State Department matter. If confirmed, I will work to advance the mission of the EPA, which is to protect human health and the environment, consistent with the State Department's strategy for international engagement on climate change.

15. What are your plans for implementing the Paris Climate Agreement?

Should the government decide to continue to participate in the Paris Agreement and if I am confirmed as Administrator, I will collaborate with all involved agencies to ensure that commitments made on behalf of the United States are achievable and consistent with requisite legal authorities delegated by Congress.

You have written that the climate change "... debate is far from settled. Scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."

16. What would it take for you to admit that all three of these allegations are incorrect?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving understanding of the impact increasing greenhouse gases have on our changing climate.

17. Which scientists, saying what, would change your mind?

If confirmed, I will work to ensure that any regulatory actions are based on the most up to date and objective scientific data, including the ever-evolving

understanding of the impact increasing greenhouse gases have on our changing climate.

18.If Harold Hamm told you he was no longer a climate change denier, would you believe him?

I do not believe he is a climate change "denier."

19.President Elect Trump's Secretary of State nominee, Rex Tillerson, is no longer a climate change denier. Why do you disagree with Tillerson?

There is a diverse range of views regarding the key drivers of our changing climate among scientists, policy-makers and President Trump's nominees. I believe that these differences should be the subject of robust and open debate free from intimidation. If confirmed, I will continue to encourage an honest debate on our changing climate, the role of human activity, our ability to measure the degree and extent of human activity, and what to do about it.

The Clean Air Act, and its amendments, sets limits on harmful pollutants like mercury and sulfur dioxide. As Oklahoma's Attorney General, you have repeatedly brought lawsuits against the EPA for their enforcement of the Clean Air Act, stating that the federal government has overstepped its authority to regulate and that these decisions are best left to the states. Pollution, like mercury and sulfur dioxide, from Midwest coal-fired power plants is blown right into New England. Mercury is a potent neurotoxin that bio-accumulates in the fish in our streams and lakes, and places our pregnant women and young children at particular health risk. Sulfur dioxide contributes to acid rain that that harms the forests and waters of New England.

20.If you do not believe that the EPA should have the regulatory authority that would protect states such as Vermont from interstate pollution, that leaves these science and public health decisions to the courts. Can you explain why federal courts should be in the position of determining safe levels of pollution to protect the health and welfare of Vermonters, as opposed to the federal agency whose mission it is to protect human health and the environment -- air, water, and land?

As I stated in my testimony before the Committee, I agree that the Clean Air Act gives EPA an important role in addressing interstate pollution issues, among many other things. If I am confirmed as Administrator, I will exercise

my authority in this area consistent with Congress's intent in enacting the Act.

Data shows that mercury pollution in the North Atlantic and mercury concentrations in our fisheries have fallen dramatically since the United States started requiring stronger emission controls from coal power plants.

21. Given this scientific confirmation of these regulations working how can you assure us that if you are confirmed to lead the EPA you will continue to accelerate the clean-up of all sources of mercury emissions, including coal power plants?

I agree that there has been a consistent downward trend in mercury concentrations, but note that this trend began well before EPA promulgated the Mercury and Air Toxics Standards. As I stated in my testimony before the Committee, mercury is appropriately regulated as a hazardous air pollutant under Section 112 of the Clean Air Act. If I am confirmed as Administrator, I will regulate under Section 112 in a manner that is consistent with Congress's intent in enacting that provision. I will also faithfully administer other federal statutes that regulate mercury to the extent that they are under my jurisdiction, including the Mercury Export Ban Act of 2008, the Mercury-Containing and Rechargeable Battery Management Act of 1996, the Clean Water Act, the Emergency Planning and Community Right-to-Know Act, the Resource Conservation and Recovery Act, and the Safe Drinking Water Act.

It is widely reported that EPA's Clean Power Plan (CPP) will be one of the first policies to be dropped under the new administration.

22. Do you envision that you will seek to replace the CPP with some other program that also would promote the reduction of greenhouse gas emissions nationally?

While I will not prejudge the outcome of any Rule that is the subject of ongoing litigation, if confirmed, I will work to achieve the objectives of EPA-administered laws consistent with the process and rule of law set out by Congress.

23. According to the EPA, "The Clean Power Plan will lead to climate and health benefits worth an estimated \$55 billion to \$93 billion in 2030, including avoiding 2,700 to 6,600 premature deaths and 140,000 to 150,000 asthma attacks in

children.” What do you say to parents who have children with asthma who are worried that the dismantling of the CPP?

If confirmed, I will administer environmental laws that protect human health and the environment within the framework established by Congress. I will follow explicit cost-benefit obligations to ensure the benefits are associated with the pollutant being regulated and the costs are reflective of market realities.

President-elect Trump has stated that the water poisoning that happened in Flint Michigan “would never have happened if I were president.” More than 1,000 communities have lead poisoning levels higher than those found in Flint Michigan.

24.If you were head of EPA what actions would you take to ensure that every community has clean water to drink?

If confirmed, I will focus on EPA’s core missions, including, as appropriate, use of EPA’s emergency order authority under the Safe Drinking Water Act. I also will implement the newly revised TSCA statute to address chemicals and will continue implementation of monitoring, review, and regulation of contaminants under the SDWA.

25. What federal financial commitments would you need and what changes in environmental laws, policies and regulations would you need to ensure that a Flint-like situation never happens again?

It is my understanding that some requirements in the Safe Drinking Water Act Lead and Copper Rule relating to monitoring and when corrosion control treatment is mandated are ambiguous and need to be clarified to make both compliance and enforcement easier and prevent a Flint-like situation from happening again. If confirmed, I will ensure that the revisions to that rule proceed expeditiously. As to resources, I will return EPA’s focus, including resources, to carrying out its core missions. In addition, I believe that the new WIFIA program offers significant opportunities to leverage additional infrastructure investments.

Lake Champlain is one of Vermont’s most treasured environmental features. Tourism and property values are tied to the health of the lake—keeping its waters swimmable, fishable and drinkable. Run-off—including from lawns, paved roads and parking lots, and farmlands—contributes to high levels of phosphorus that spur algae growth. The algae turns the lake green and can be toxic. In 2016, EPA released new phosphorus limits for the lake by establishing a TMDL (Total

Maximum Daily Load). We are concerned that you, as Attorney General, have opposed other clean-ups similar to that of Lake Champlain. You signed an amicus brief opposing EPA's clean-up of the Chesapeake Bay under the Clean Water Act.

26. As Administrator, will you continue the agency's support for the clean-up of Lake Champlain through these new TMDLs?

A TMDL under section 303(d) of the Clean Water Act does not establish a water quality standard. It is a tool for achieving a water quality standard by determining how much of a particular pollutant, like phosphorus, that a body of water can assimilate and achieve the water quality standard. EPA recently issued new phosphorus TMDLs for Lake Champlain to implement Vermont's water quality standards. These replace a prior TMDL that EPA had approved in 2002 and then disapproved 9 years later after being sued by the Conservation Law Foundation. I am not familiar with the details of either the original Vermont TMDL that EPA approved or the new TMDLs that EPA developed after being sued. I believe TMDLs can only be successful if developed in a collaborative fashion. It is my hope that the new Lake Champlain TMDLs were developed in such a fashion and in accordance with the law. If so, I am not aware of any reason that I would not support their implementation, if confirmed as EPA's administrator.

27. Specifically, should Vermont fail to make satisfactory progress toward meeting the TMDL, would you support EPA's prior pledge to ramp up federal oversight of Vermont programs and crack down on pollution from wastewater treatment facilities? If not, how will you ensure Clean Water Act obligations are satisfied?

Under Clean Water Act regulations (40 CFR 122.44), limits in a NPDES permit for a point source must be consistent with any waste load allocation for the discharge set forth in a TMDL and once these limits are part of a permit, they are federally enforceable. Vermont is authorized to carry out its own permitting program in lieu of the federal permitting program. If confirmed, I will work with the State of Vermont to see that the requirements of the Clean Water Act are met.

The EPA works with other state and federal agencies in developing contingency plans in the event of an oil spill. These plans identify and coordinate the activities of the different government agencies and private organizations involved in the response. Vermonters are concerned about the potential for oil spills, particularly from rail accidents, that might adversely affect the state's waters. We view the EPA as a critical partner in developing plans for, and responding to, the case of an oil spill with potential impacts to a water body or other area subject to the

jurisdiction of the Environmental Protection Agency under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

28. Do you as Administrator commit to the EPA's partnership with the states in developing plans for, and responding to, the case of an oil spill that affects waters under its jurisdiction, such as Lake Champlain?

EPA, in partnership with other federal agencies on the National Response Team, has a significant role in carrying out the National Oil and Hazardous Substances Pollution Contingency Plan. EPA is the lead agency for responses under the Oil Pollution Act to spills into inland waters (other than the Great Lakes) and the Coast Guard is the lead agency for coastal waters and the Great Lakes). If confirmed, I will support EPA's continued implementation of the oil spill response authorities given to it by Congress.

At EPA, science provides the foundation for Agency policies, actions, and decisions made on behalf of the American people.

29. What should be the role of science in the development of EPA policies, rules, and regulations?

I fully believe, as former EPA administrators have stated, that science must serve as "the backbone" of EPA actions.

U.S. Secretary of the Interior Sally Jewell has observed that "consumer spending for outdoor recreation is greater than household utilities and pharmaceuticals combined — and yet the federal government has never fully recognized or quantified these benefits." Outdoor recreation is not just an issue of concern to the Department of the Interior, it depends on clean air and water, which are under the purview of the EPA. The health and welfare of Americans is dependent on their ability to be actively engaged outdoors, breathing clean air and drinking clean water.

30. If under your watch, the EPA seeks to reduce regulations, will you take into account the economic losses from recreation to places like Vermont before doing so?

As I indicated in my testimony, if confirmed, my primary goal would be to protect the American people through lawful regulations. I understand environmental statutes, such as the Clean Air Act and the Clean Water Act,

prescribe in certain instances that the EPA consider economic impacts in the rulemaking process. If confirmed, I commit to fully follow the law as provided by Congress.

Much of the nation's and the world's attention has been focused in recent months on the Dakota Access Pipeline, the construction of which crosses multiple states. Many pipelines on Indian lands are located entirely within a single state, however. Here EPA is not always the primary regulator, and state laws do not always apply. The health and environmental consequences of pipeline failures, however, can be enormous.

31. Will you commit to work with this Committee and other agencies to address the environmental and public health and safety issues associated with the operation of pipelines on Indian lands, including purely intrastate pipeline facilities?

If confirmed, I will faithfully execute all applicable laws as Administrator. As was discussed at my confirmation hearing I have worked successfully with Oklahoma Tribes and I would use my role to address environmental and public health and safety issues on state, federal, and tribal lands.

Yesterday, the Obama Administration took the final step in laying out a process for the next administration to provide a full environmental review for the Dakota Access pipeline.

32. Will you commit to fully supporting the Army Corps of Engineers as it conducts reviews of alternative routes and to meaningful consultation with Native American tribes when a project could affect their tribal treaty rights?

I cannot speak to the actions of the Army Corps of Engineers but if confirmed I will carry out any legal duties required by the Administrator of the EPA.

Oil and natural gas extraction by way of hydraulic fracturing, or "fracking," has expanded rapidly in the United States, including in your state of Oklahoma. As you know, there are increasing concerns about water and air contamination, including the seismic activity associated with wastewater disposal. EPA conducted a study of hydraulic fracturing's drinking water impacts and released a final report in December 2016. The agency found "hydraulic fracturing activities can impact drinking water resources under some circumstances." The report identifies certain conditions under which impacts from hydraulic fracturing activities can be more frequent or severe. Both Vermont and New York have

banned hydraulic fracturing out of concerns for its public health and environmental effects.

33. Do you concur with the conclusions of the EPA's final report on hydraulic fracturing and drinking water?

As I discussed at my confirmation hearing, states like my home state of Oklahoma have been successfully regulating hydraulic fracturing for decades. As EPA officials have indicated the number of identified cases of drinking water contamination related to hydraulic fracturing activities is small particularly compared to the large number of hydraulically fractured wells and I agree with that assessment.

34. Are there gaps in available data that make it difficult for the EPA to fully assess hydraulic fracturing effects on drinking water as well as air quality?

Hydraulic fracturing has been extensively studied by state, federal, and non-governmental bodies.

35. What further studies—if any—do you believe would be appropriate for EPA to conduct on the effects of hydraulic fracturing on air and water quality?

I am not aware of any urgent need for new studies of hydraulic fracturing but if confirmed I commit to review any new information on the subject.

36. Do you agree, as EPA scientists found, that of the 1,606 chemicals injected for hydraulic fracturing, 173 chemicals are a proven risk to public health?

Risk encompasses both hazard as well as a likelihood of exposure. EPA found that 173 of the chemicals listed can be hazardous but did not speak to their risk likely because of their very low probability of exposure.

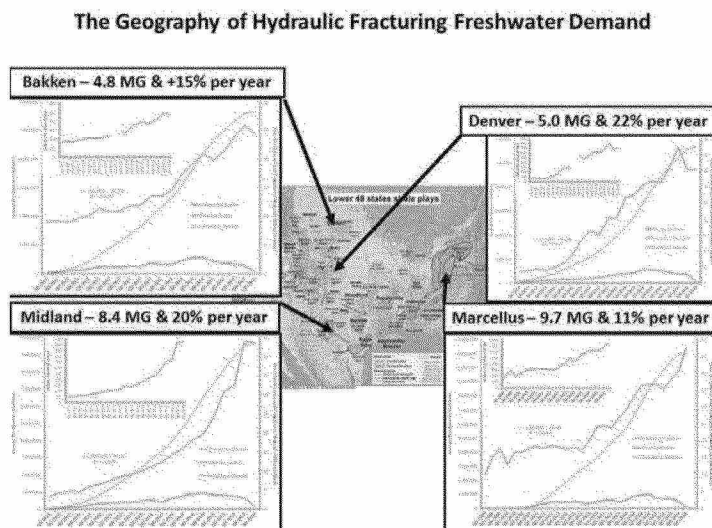
To date communities have been absorbing the costs of damage from oil and gas operations, whether that is in terms of health impacts, contaminated soils and water, which depress property values and destroy businesses, residential neighborhoods turned into industrial zones, earthquakes caused by injection wells (which are increasingly being excluded from homeowner insurance policies) and more.

37. What would be your approach as Attorney General to ensuring that communities do not absorb these costs, and operators become responsible for the full costs of their operations, including damages?

As discussed at my confirmation hearing as Attorney General I have taken on oil and natural gas companies who violated Oklahoma laws and regulations. If confirmed, I will uphold and execute the laws as established by Congress.

38. Given that High Volume Hydraulic Fracturing (HVHF), or fracking gas wells, currently require an average of 4.8-9.7 million gallons of fresh water to fracture a single well (Note: This demand is growing by 11-20% per year), and only 4.5-7.5% of this water is being recycled, would you consider modern-day oil and gas drilling to be a long-term, sustainable solution to our country's energy needs?"

EPA's final report on hydraulic fracturing and drinking water found that in most cases hydraulic fracturing constituted "generally less than 1% of total water use" in counties and stated that their findings suggested "that hydraulic fracturing operations represented a relatively small user of water in most counties." I agree with these specific EPA conclusions.



39. When did you first find out that fracking could cause earthquakes in Oklahoma under certain geological conditions? Did you publicly call on industry to alter their practices?

As I stated at my confirmation hearing the Oklahoma Corporation Commission is vested with the jurisdiction of regulating oil and gas activities, they have acted to address seismicity concerns in the state and I have worked with and supported the Commission and other state agencies as required by state law.

40. What percentage of injection wells in Oklahoma is monitored for pollution (in groundwater, deep and shallow)? In those that were monitored, what was the concentration of pollutants?

Wastewater disposal through underground injection is regulated by the State of Oklahoma through delegated powers from the EPA pursuant to the Safe Drinking Water Act and to the best of my knowledge the State appropriately follows all requirements under the law.

The "Hockey Stick Moment" is when a variable of interest hits an exponential point in its growth with respect to time. The most notable "Hockey Stick Moment" is the rising levels of atmospheric CO₂, N₂O, and CH₄ resulting from anthropogenic forces. However, a moment closer to Oklahoma is the exponential increase in earthquake activity even the USGS has shown is a function of the disposal of nearly 20% of US fracking waste into Oklahoma and Kansas' Class II Injection wells.

41. Do you agree that this growth in quake activity is a function of excessive and irresponsible oil and gas waste generation and disposal and is worthy of more research and monitoring by the EPA?

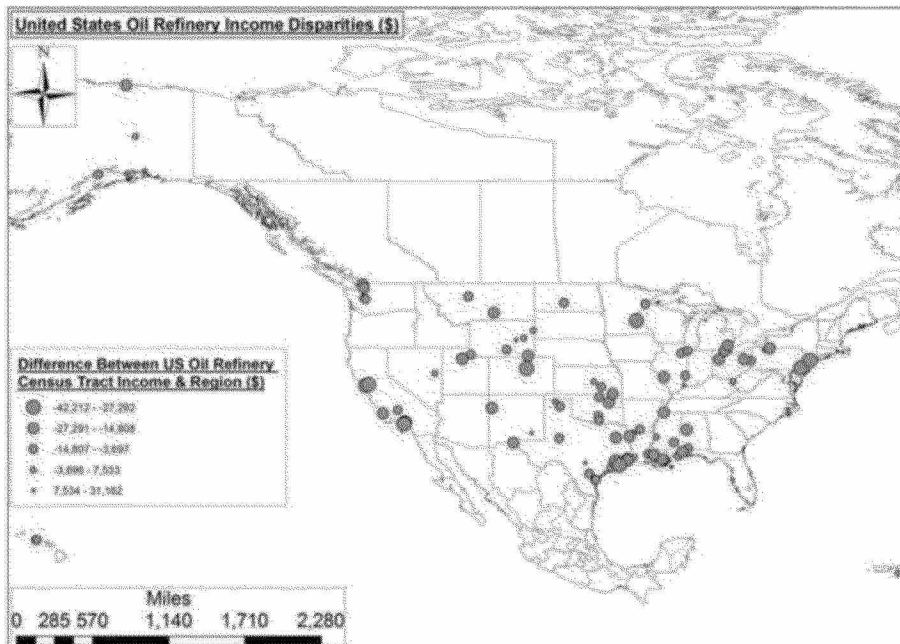
As previously mentioned, wastewater disposal through underground injection is regulated by the State of Oklahoma under delegated powers from EPA pursuant to the Safe Drinking Water Act. Underground injection is not unique to the oil and natural gas industries as EPA has regulations on six different classes of underground injections. Underground injection of wastewater from oil and natural gas activities has been conducted safely in a number of states for decades, and, in a previous EPW hearing, Senator Cardin complimented "the actions taken" in Oklahoma with regard to oil and gas wastewater disposal. He went so far as to say the State "provided a good model that should be used in other States," lauding Oklahoma's actions as an example of "the Federal Government working with the State to develop the right framework for dealing with natural gas extraction." The State of Oklahoma has acted on local seismicity concerns and, to the best of my knowledge, follows all applicable SDWA requirements in regulating class 2 injection wells within the state.

42. You at first belittled the idea that oil and gas operations could cause human induced seismicity in Oklahoma, so did Harold Hamm. Do you now believe that you were both wrong?

As new information becomes available on a number of issues it should always be evaluated and taken into consideration. The State of Oklahoma has taken actions to address seismicity concerns related to the oil and natural gas industry and I support the state taking action.

43. How would a Trump/Pruitt EPA address growing environmental and economic justice issues associated with existing oil refineries and associated unconventional oil and gas infrastructure proposals?

As I stated at my confirmation hearing I believe addressing environmental justice in poor and minority communities is an important role of the EPA Administrator. If confirmed I intend to enforce laws under EPA jurisdiction with uniformity regardless of which industry a potential violation of law comes from.



44. Would you support implementing a requirement to provide full, well specific, public disclosure of all information related to oil and gas development involving

hydraulic fracturing that informs understanding groundwater, surface water, public health and safety, and habitat potential impacts?

If confirmed I would review both EPA's legal authorities as well as the potential need for new requirements and regulations.

With regards to decommissioning a former nuclear power plant, a fair amount of confusion appears to exist in regulating non-radiological hazardous materials during active plant demolition. Most agencies, including the EPA, will defer to the Nuclear Regulatory Commission (NRC) for anything at a nuclear power plant site. However, the NRC does not regulate the non-radiological aspects of nuclear power plant operation--e.g., the NRC does not regulate chemical or oil spills that occur at a nuclear power plant site.

45.How active of a role should the EPA play during the hazardous material survey and active demolition phases of power plant decommissioning to assure that public health and the environment are not impacted by a site's prior use as a nuclear power plant?

In 2002, the EPA and the NRC signed a Memorandum of Understanding entitled "Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites." The EPA's responsibilities with regard to the regulation of non-radiological hazardous materials are address in sections V.C.3, V.D.4, and VI. If confirmed, I will carry out EPA's responsibilities under the law.

The National Environmental Policy Act (NEPA) requires all federal agencies to consider the potential environmental impact of any industrial project while the agencies assess their regulatory authority specific projects. While the Nuclear Regulatory Commission (NRC) does conduct Environmental Assessments for nuclear power plant construction, operations, modifications and decommissioning activities, these assessments are frequently conducted after all other technical assessments for a nuclear power plant project have been evaluated; meaning that they are not an integral part of the NRC's regulatory decision-making process.

46.As Administrator, how will you encourage or require the NRC to more rigorously include NEPA requirements in its "technical" regulatory evaluations?

I am not familiar with how the Nuclear Regulatory Commission conducts its analyses under the National Environmental Policy Act. Under section 309 of

the Clean Air Act, EPA reviews and comments on the NEPA analyses of other agencies. If confirmed, I will ensure that EPA continues to carry out this statutory responsibility.

Changes in weather patterns, such as heavier precipitation events that increase run-off and flooding, are affecting lakes, rivers, and reservoirs nationwide. Water quality, quantity, and the integrity of our water infrastructure are at risk. Recent studies in the Northeast have found that degraded water quality on lakes can cost lakeside communities millions of dollars in losses from both tourism and taxable income due to reduced property values.

47.How will the EPA support water resource management programs to address these issues?

If confirmed, I will continue to implement the water quality protection authorities granted to EPA by Congress. These include regulatory and financial and technical assistance programs. The Clean Water Act expressly leaves the allocation of water quantity to states. I further note that Congress has not given EPA water resources management authorities. Instead, such programs are carried out by the Corps of Engineers and, in the 17 Western states, the Bureau of Reclamation.

48.How would you address EPA's permitting backlog, e.g. the National Pollutant Discharge Elimination System (point source water dischargers) program?

Making sure permits are current is one of core functions under the statutory responsibilities given to EPA and in turn carried out by authorized states. However, in recent years states have been asked to shift their focus and resources to other activities. If confirmed, I would focus on ensuring EPA is able to carry out its core functions under our environmental.

Federal regulations such as the Clean Water Act and the Clean Air Act set national standards to protect our natural resources and safeguard public health. In 2010 you campaigned against a "one-size-fits-all strategy" towards environmental protection.

49.What did you mean by that and how would you, as EPA Administrator, ensure that all Americans are adequately protected against poisonous water and air regardless of where they happen to live?

As I said in my testimony before the committee, I support national standards and neighborhood solutions. That means there may be one standard that applies nationally, but not only one way to achieve that standard. If confirmed, I will bring this philosophy to my role as EPA Administrator.

50. Do you support and stand behind the premise of the Clean Water and Clean Air Acts that every American has the right to clean water and air?

I fully support the Clean Water Act and the Clean Air Act.

In a court filing opposing the Waters of the United States you wrote "This regulation usurps the state's authority over its land and water use, and triggers numerous and costly obligations under the [Clean Water] Act for the state and its citizens."

51. Without national regulations how would you guarantee the quality of water that flows across state boundaries?

Regulation of rivers and streams that form the boundaries of states or flows from one state to another is not an issue raised by states in the WOTUS litigation.

52. Do you believe that the only people with an interest in water are those within a state and not downstream neighbors?

No.

53. Every national science organization, not to mention the Pentagon, lists climate change as a critical threat to our planet, our economy, and our national health. The Pentagon considers Climate Change a "Threat Multiplier" and a "Growing Security Threat." Do you agree with the Pentagon and our National Security advisors regarding the severity of this crisis?

I have no reason to disagree with the statements from the listed security experts, although I have not made any attempt to independently verify their accuracy.

54. Please describe your plan, process, or other information that the EPA may be able to provide to the Pentagon to mitigate or mollify the threats our military describes.

Interagency cooperation is very important. I believe the development of military readiness and response plans are best left to our military and national security experts. If confirmed, I will provide technical expertise to other agencies as appropriate.

55. Will you be promoting greater use of carbon-based fossil fuels?

I do not believe it is the mission of the EPA to promote one type of energy source over another. If confirmed as Administrator, I will fairly and equitably enforce the laws within the framework established by Congress and not pick winners and losers.

56. Do you think the EPA has any role in helping our nation decrease or end the consumption of carbon fuels?

The mission of EPA is to set standards that protect the environment and the health and welfare of our citizens. While setting national energy policies are not within the statutorily ascribed purview of the agency, EPA regulatory actions often impact the ability of those charged with generating our nation's energy to do their job. If confirmed, I will listen to all impacted stakeholders when developing EPA actions. I will also coordinate with impacted agencies, such as the Federal Energy Regulatory Commission, to ensure EPA's actions do not undermine their equally important missions and statutory objectives.

57. Do you see any reason for reducing carbon emissions that come from using fossil fuels like oil, coal, and natural gas?

I believe the Administrator has an important role when it comes to the regulation of carbon dioxide. If confirmed, I will fulfill the duties of the Administrator consistent with Massachusetts v. EPA and the agency's Endangerment Finding on Greenhouse Gases respective of the relative statutory framework established by Congress.

58. What do you think are the most reliable sources for scientific news and information?

If confirmed as EPA Administrator, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment and will base my decisions on sound science, including advice provided by agency experts and advisory personnel.

59. Do you plan to request regular briefings from government science and/or intelligence sources? If so, how often? If not, why?

If confirmed, I will make decisions based on sound science reflective of diverse, objective and unbiased views conducted in a transparent manner reliant on public engagement and consistent with the framework established by Congress.

60. Do you intend to have meetings with or receive regular briefings from private industrial sources? If so, how often? If not, why?

If confirmed, I intend to operate the agency consistent with the statutory framework established by Congress and follow associated processes, which require extensive outreach with the public and regulated community.

The President-Elect has positioned himself as a champion of coal miners. You may be aware of the crisis facing the nation's largest multi-employer health and pension plans serving coal miner retirees, administered by the UMWA. The pension plan is facing insolvency within 10 years and, more immediately, over 20,000 retired coal miners and their dependents are facing an imminent loss of health care coverage. Senator Manchin developed a bi-partisan legislative response to this crisis called the Miners Protection Act that I co-sponsored. It was marked up and passed by the Senate Finance Committee last September on an 18-8 vote. We were expecting the Senate and House Republican leadership to work with us to include the MPA in the Continuing Resolution package that we deliberated on during the lame duck session. We also asked the President-Elect to express his support for this legislation given his abundant pro-coal miner rhetoric during the Presidential campaign. Senate Democrats sent him a letter imploring him to publicly express his support. We got no response. The outcome was a Continuing Resolution that included nothing more than a 4 month extension of health benefits for the retirees who now face a termination of benefits in April instead of this month.

61. How will you work with the President-elect and the rest of his cabinet to work with Congress to pass the MPA and fulfill the nation's commitment to the coal miners whose work powered this country for generations?

I am not familiar with the proposed legislation referenced in the question or EPA's authorities and responsibilities for pension and health care plans for miners.

As you may know, each federal agency, including EPA, has an important role in enforcing Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color and national origin by recipients of federal funds. This is an accountability law — before the law was passed, federal funds were subsidizing agencies and organizations, from schools to hospitals to other agencies of government that discriminated. The case that led to the passage of Title VI was *Simkins v. Moses Cone Memorial Hospital*, a 1963 case in which a circuit court finally, 9 years after *Brown v. Board*, struck down a provision of federal law that allowed federally subsidized hospitals to have separate wings for “whites” and “colored” people under a “separate but equal” provision of a federal law called the Hill Burton Act.

62. Are you familiar with Title VI?

Yes.

63. Are you familiar with the Moses Cone Memorial Hospital case?

Yes.

64. If confirmed, will you commit to enforcing Title VI and the regulations promulgated by EPA to enforce Title VI?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress that impose duties or grant authority to me as Administrator, including the Civil Rights Act.

Title VI (at 42 USC 2000d-1) specifically empowers “each federal department and agency” that distributes federal funds to effectuate Title VI and then authorizes each agency to issue rules, regulations and orders to implement the law. Thus, the authority and responsibility to enforce Title VI and to ensure that recipients of

federal funds are not discriminating rests with each federal agency, including EPA. As you may know, federal enforcement is all the more important because affected communities can't go to court to enforce claims unless they can prove intentional discrimination under a case that arose out of Alabama — *Alexander v. Sandoval*, 532 U.S. 275 (2001).

65.Are you familiar with the text of Title VI, 42 USC 2000d, which prohibits discrimination on the basis of race, color or national origin?

Yes.

66.What is your vision for Title VI enforcement at EPA? What reforms need to be made? What concrete steps do you envision to strengthen civil rights enforcement at EPA?

If confirmed as Administrator, I will faithfully execute Title VI. I will expect my staff to evaluate any areas that might need reform, and I will take appropriate actions based on the recommendations made to me.

67.Are you familiar with the Supreme Court decision in *Alexander v. Sandoval* (2001)?

Yes.

68.To your knowledge, does the text of the law define or limit the meaning of "discrimination"?

I cannot answer this question without additional context as to what text of what law you refer to.

69.Are you familiar with regulations promulgated by EPA to implement this language, found at 40 CFR Part 7?

I cannot answer this question without additional context as to what you are referring to when you say "this language."

70.In your opinion, does this language further define what is meant by "discrimination"?

I cannot answer this question without additional context as to what you are referring to when you say "this language."

71. In fact, the regulations prohibit actions with an unjustified disparate impact. Do you agree?

The regulations speak for themselves.

72. Are you aware of criticism that EPA has historically done a "poor" job of enforcing Title VI and its regulations?

I am not.

73. If so, do you agree or disagree with criticisms that EPA has historically done a "poor" job of enforcing Title VI and its regulations?

Because I have not heard those criticisms, I cannot say whether I disagree or not.

74. Are you familiar with the Deloitte Report (2011), see <https://assets.documentcloud.org/documents/723416/epa-ocr-audit.pdf>, which documented problems with EPA's enforcement of Title VI? If so, what is your past experience with the Deloitte Report?

I am not familiar with the report you reference.

75. Were you aware that the Deloitte Report made the following findings:

- The Office has not adequately adjudicated Title VI complaints – those addressing allegations of discrimination against communities of citizens affected to environmental rules promulgated by the EPA.
- OCR has not completed compliance checks of EPA grantees, in a timely or effective manner, to ensure that grantees are not engaging in discrimination in their work.

I am not familiar with the report you reference.

76. If so, what is your past experience with the findings?

I am not familiar with the findings.

77. In your opinion, what has the EPA already done to address these issues?

I do not know what EPA has or has not done to address any such issues.

78. Do you know whether these steps have been effective?

Because I am not aware of the steps taken--if any--I cannot judge their effectiveness.

79. In your opinion, what more could the EPA do to address these issues?

It would be inappropriate for me to prejudge an issue that may come before me for decision if I am confirmed as Administrator. If the issue comes before me, I will ensure that the issue is fully and fairly considered, as part of a transparent process that seeks input from all stakeholders.

80. If confirmed, will you commit to taking action to address these issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress and imposing upon EPA duties or powers.

81. Do you believe that recipients of federal funds — across this whole country — are making any decisions that are discriminatory?

I do not doubt that some recipients of federal funding engage in behaviors that violate federal anti-discrimination laws.

82. Under Title VI and its regulations, should recipients of federal funds review whether a decision has a disproportionate adverse impact to ensure that it is in compliance with civil rights law?

Recipients of federal funds should take all actions required by law to ensure that they are in compliance with federal civil rights laws.

83. Do you have plans for pre-award compliance reviews? When would any such plans go into effect? And post-award compliance reviews? What would such reviews involve?

If confirmed as Administrator, I will ensure that federal funds are awarded in compliance with federal law.

84. What is your understanding of the obligations of recipients under Title VI and EPA implementing regulations? Do you think those obligations are sufficient?

The obligations of recipients of federal funds are defined by the statutes and regulations to which you refer. Those statutes and regulations speak for themselves.

Energy burdens above six percent of a household's income are typically considered unaffordable, but low income households spend an average of 15 to 20 percent of their income on energy bills. Low income families are also more likely to live in older, inefficient housing. The Clean Power Plan provides incentives to states to invest in energy efficiency improvements in low income communities.

85. Are you concerned about the lack of access to energy efficient, affordable housing for low income families?

I am unfamiliar with EPA's role and statutory authorities as they relate to affordable housing. I am concerned about the impact regulations can have on the cost of energy for consumers.

86. As EPA Administrator, how would you help low income working families reduce their energy burdens and access energy-efficient affordable housing?

I am unfamiliar with EPA's role and statutory authorities as they relate to affordable housing.

Low-income rural and urban communities and people of color are disproportionately live near, are exposed to, and die from environmental risks/hazards. As of February 27, 2014, there were 1322 Superfund sites on the National Priorities List in the United States. Fifty-three additional sites have been proposed for entry on the list. Communities of color breathe in nearly 40 percent more polluted air than whites. Sixty-eight percent of African-Americans live within thirty miles of a coal-fired power plant, the zone of maximum exposure to pollutants that cause an array of ailments, from heart disease to birth defects. Half of all U.S. Latinos live in the country's most polluted cities. Hispanic children are twice as likely as non-Hispanic white children to die from asthma while, from 2012-2014, African American children had a death rate ten times that of non-Hispanic white children. African-American children are three times as likely to suffer an asthma attack.

87.As EPA Administrator, how would you ensure that vulnerable low-income communities and communities of color are not overburdened by the harmful impacts of pollution?

If confirmed, I expect to make the cleanup of contaminated land one of my priorities. I believe the nation's environmental laws apply to all Americans.

88.Would you say there is anything you will do, if confirmed, to help these Americans? Will you push to reduce smog and particulate matter that causes more asthma attacks and other lung problems? Or is that a matter for the states and not the EPA?

If confirmed, I will work to ensure human health is protected by implementing Clean Air Act provisions, such as the National Ambient Air Quality Standards for criteria pollutants, including for ground-level ozone and particulate matter, which prioritize protection of human health and welfare. I will also work to ensure all Americans are treated equally under the law in furtherance of EPA's mission to protect human health and the environment.

EPA has adopted many cost-effective safeguards in the past eight years that would significantly reduce the pollution that contributes to asthma attacks in children -- many of which you challenged as Attorney General of Oklahoma.

89.Can you explain how you will protect the interests of these and other children that suffer from asthma?

As I stated in my testimony to the committee, all legal positions that I took in my capacity as Attorney General for the State of Oklahoma were in an the capacity of an advocate. If confirmed as Administrator, I will consider all matters presented to me with an open mind and will work to reach conclusions that are reflected in the administrative record of each matter and that comport with Congress's intent in enacting the Act.

90.Will you commit to working to further reduce pollution, including pollution that disproportionately burdens Hispanic and Environmental Justice communities?

If confirmed, I will work to ensure all Americans are treated equally under the law in furtherance of EPA's mission to protect human health and the environment.

91.Do you think the EPA has done enough to ensure that low-income communities near brownfields receive the same amount of attention as high-

income communities? Will you give priority to the safety and health of our children and future generations over short-term current economic gains of few?

I do not know what EPA has or has not done on this issue. If confirmed as Administrator, I will work to ensure the brownfields program is operated in accordance with applicable legal requirements.

92. Municipal electric utilities depend on the municipal bond tax-exempt status. For Vermont Municipal electric utilities, this is particularly true with regard to utility investments. Do you support tax-exempt bonding as one important tool to improve utility infrastructure (electric, water, wastewater, etc)?

As Attorney General for Oklahoma, I have not studied the issues related to tax-exempt bonds for utility infrastructure. I am not familiar with EPA's role and legal authorities as they relate to municipal tax-exempt bonds.

Your state of Texas is part of a market (ERCOT) that is not Federal Energy Regulatory Commission jurisdictional. This means that Texas does not comply with the same requirements as electric utilities in Vermont and other ISO regions face. ERCOT seems to have embraced wind and other renewable sources.

93. What are the strengths of the ERCOT approach?

I am Attorney General for Oklahoma, not Texas, and do not have an opinion on the Texas electric grid.

94. How would you contrast those with the strengths and weaknesses of the New England ISO?

I am not familiar with the electric grid in New England.

"Green infrastructure" (forests, wetlands, natural floodplains, etc.) can play a critical role in reducing impacts of flooding from extreme weather events like Tropical Storm Irene, and in helping to meet essential water quality requirements/improvements such as the EPA-approved Lake Champlain Total Maximum Daily Load (TMDL) plan. Also, green infrastructure is often much more cost effective than updating or investing in new traditional "gray infrastructure." EPA has played an important role in providing training, technical and financial assistance related to capitalizing green infrastructure.

95.What do you see as EPA's role going forward related to green infrastructure?

Green infrastructure is a good example of a neighborhood solution that can achieve compliance with national standards. I believe EPA should be supportive of such efforts. If confirmed, I will work to break down barriers within EPA to the use of green infrastructure.

In your own state of Oklahoma, wastewater disposal from fracking and drilling has induced thousands of earthquakes, threatening lives and destroying property. Joe and Mary Reneau suffered through a 5.7 magnitude quake (Nov. 6, 2011) near Prague, Oklahoma – their chimney fell into the living room, right on top of a favorite spot of Mary's to sit. Luckily for them, Mary wasn't sitting there at the time, they had earthquake insurance, and they had \$200,000 of repairs done on their house. Joe jokes that he won the earthquake lottery. Jerry and John Loveland weren't so lucky, they had \$50,000 worth of damage done on their house, no insurance, and no way to pay for the damage. Oklahoma is an oil and gas state. Joe Reneau said he wouldn't bring any claims against the oil company, because if he did, he would be "run out of town." Oklahoma regulators have done next to nothing to help those harmed by oil industry induced quakes or prevent more destruction.

96.As EPA administrator, what will you do to help the Amos family, John and Catherine Fenton, or all those in Oklahoma threatened by oil industry induced earthquakes?

As I have previously stated, underground injection is regulated by the State of Oklahoma under delegated authority from EPA under the Safe Drinking Water Act. The State has taken action to address seismicity concerns and, if I am confirmed, I will continue working with States and within EPA's legal authorities to address public health and environmental concerns.

In September 2016, the EPA recommended a moratorium on the underground injection of fracking wastewater in certain earthquake-prone parts of Oklahoma because regulations had not successfully addressed the problem.

97.Will you uphold the EPA's recommendation—yes or no?

The State of Oklahoma has worked collaboratively with the EPA to address seismicity concerns and state regulators have shut down dozens of

underground injection wells and, if confirmed, I will continue this cooperative approach to addressing such future issues as they might arise.

98. Specifically, EPA's recommendation arose out of the agency learning that the Oklahoma Corporation Commission, the body overseeing the underground injection control program in a primacy agreement with the EPA, has illegally permitted restricted wells to return to normal operations. While EPA cannot order Oklahoma to impose a moratorium, it can revoke the state's authority and take over regulation of the wells itself. As EPA Administrator, will you regulate these wells in compliance with the Safe Drinking Water Act and in addressing the seismic catastrophe occurring in your state—yes or no?

If confirmed as EPA Administrator I will review relevant information, including EPA's legal authorities, to ensure drinking water protections in Oklahoma and across the nation.

99. Do you think local communities have the right to protect themselves from pollution and other threats to public health?

Yes, if authorized under the law and not preempted or displaced by state or federal law.

100. Will you, as EPA Administrator, support these state and local regulations by not intervening or challenging them—yes or no?

I believe in cooperative federalism and I will work with States and local communities to protect citizens consistent with our nations laws.

101. How do you reconcile challenging these rules with your view of respecting and giving deference to state and local environmental regulation?

It is not clear to me what rules are being referred to in this question, however, I believe that environmental and public health protections are the strongest when there is collaboration across all levels of government consistent with applicable laws.

The FracTracker Alliance has shown that 11% of organic farms are within 1/2 mile of oil and gas development, and 100% of farms within the San Joaquin Valley and Southern California are within 8 miles of oil and gas operations (59,840 wells),

and that produced water is being used to irrigate crops (and also organic crops). California feeds 50% of the country.

102. What is your response to the US maintaining food independence and food safety when the majority of its food sheds are threatened by oil and gas contamination?

I have seen no evidence or information that proximity to oil and natural gas development has contaminated or threatened to contaminate our nation's food safety. The State of California would be better able to address their laws and regulations with regards to the location of oil and gas development in their State as well as their irrigation policies.

103. Why is energy independence more important than food independence?

I have not made any statements ranking the importance of these two issues critical to our nation's health and welfare.

104. We have the opportunity to be both energy independent and food independent without poisoning people and the planet. Why should the US be dependent on other countries to supply its food, but not be dependent on other countries to supply its energy?

I support both the goals of domestic energy independence as well as protecting our domestic food supply and working collaboratively with our nation's farmers and ranchers.

105. From your Great Plains perspective how do you feel the advent of High Volume Hydraulic Fracturing (HVHF) will affect the growing concerns about food security/safety relative to energy infrastructure?

Oklahoma, as a rural state, has long successfully balanced safe energy production as well as farming and ranching.

106. How can the public trust the oil and gas industry when it is exempt from so many environmental regulations?

Any statutory exemptions come from Congress and if confirmed I will uphold the laws as directed by the Constitution.

107. How can rural communities trust oil and gas operators when rural gas gathering lines are exempt from federal pipeline safety regulations (because of the exemption, states also cannot regulate rural gas gathering lines, and therefore because they are not regulated the operators do not have an obligation to report on incremental failures along the pipelines, they are only required to report if there is a need for an evacuation).

The State of Oklahoma has worked well with both rural communities and the domestic energy industry (including alternative energy producers as well as conventional) and, if confirmed, I will continue working to foster safe domestic energy development and maintain trust with our nation's communities both rural and urban.

The conventional food supply is sufficiently burdened by a toxic load from pesticides, herbicides, fertilizers, and genetic modification. It doesn't need yet another toxic burden.

108. How can consumers trust the food in restaurants and grocery stores when it may be grown near oil and gas operations?

If confirmed, I would expect to be briefed by staff to before taking action and would work to ensure EPA followed all applicable legal requirements and made decisions based on sound science.

109. How can parents trust the food that is being served to their kids in school cafeterias?

If confirmed, I would expect to be briefed by staff to assess what role, if any, EPA plays concerning the safety of food served in school cafeterias.

Many of our environmental laws were designed to permit regulation and enforcement by the states so long as state programs meet minimum federal standards established by EPA. Since state laws, however, do not always have general effect or application on Indian lands, Congress has amended several of our environmental statutes to permit tribes themselves to assume primacy of enforcement.

110. Do you intend to encourage tribes to develop their own enforcement regimes under approved programs, much as the states do? Or do you expect EPA itself to

provide direct regulation and enforcement of federal environmental laws on Indian lands throughout the country?

If confirmed as Administrator, I would ensure that Indian lands were subject to adequate environmental regulation, whether that be through tribes utilizing regulatory powers as contemplated by Congress, or through direct regulation by the EPA.

Much of the nation's and the world's attention has been focused in recent months on the Dakota Access Pipeline, the construction of which crosses multiple states. Many pipelines on Indian lands are located entirely within a single state, however. Here EPA is not always the primary regulator, and state laws do not always apply. The health and environmental consequences of pipeline failures, however, can be enormous.

111. Will you commit to work with this Committee and other agencies to address the environmental and public health and safety issues associated with the operation of pipelines on Indian lands, including purely intrastate pipeline facilities?

If confirmed as Administrator, I would faithfully execute any obligations imposed on EPA by Congress to ensure the environmental soundness of pipelines on Indian lands.

Many of the nation's Superfund sites are on Indian lands. We are still dealing with clean-up issues from our uranium industry's legacy from the 1940s and 1950s. The nation's largest open pit uranium mine--Jackpile Mine on Laguna--was only recently added to the Superfund list. The largest Superfund site in the country in your own state is largely on Indian lands: Tar Creek on Quapaw. We have not fully addressed abandoned uranium mill tailings piles and the failure of the Church Rock Dam that dumped irradiated mill tailings into Navajo lands and waters. More recently the failure of the dam below the Gold King Mine in Colorado turned the San Juan River on the Navajo Reservation red all the way to Utah. Today, and nearly every day, fugitive coal dust emissions from trains silt over spawning grounds of treaty-protected fisheries. Ongoing dumping threatens subsistence lifeways throughout Alaska and the Pacific Northwest. Newer and more virulent strains of black lung disease are overwhelming public health facilities in mining communities. These are just a few examples of major environmental issues that impact disproportionately the poor and the underrepresented elements of our society, including Indian communities and tribal lands.

112. Can you assure us that under your leadership the EPA will address issues of environmental justice in Native American communities and offer a voice to those most affected by the environmental consequences of industrialization?

If confirmed as Administrator, I will faithfully execute all environmental laws enacted by Congress, and will do so in all communities, including Native American communities.

These questions extend to resources protected by treaties such as water rights and compacts, forestry, hunting and trapping, fishing, etc. Some treaties have language that doesn't apply any longer and needs to be updated. Other language needs updating to reflect cultural realities. For example, "hunting" rights do not include "trapping rights" in the letter of the treaty unless trapping is explicitly mentioned, even though the tribes did not differentiate between both.

113. Please describe the relationship between the federal government and American Indian Tribes as it relates to sovereignty the trust responsibility.

Pursuant to federal law, the federal government has a trust responsibility to American Indian Tribes.

114. What obligations do federal agencies have to formally consult with American Indian tribes? What about independent federal agencies?

The obligations of federal agencies--independent or otherwise--to formally consult with American Indian tribes are defined by federal law. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring or authorizing formal consultation with American Indian tribes.

115. What procedures should the EPA follow regarding permitting of infrastructure projects that could potentially impact American Indian tribes and their citizens?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring that procedures be followed with regard to infrastructure projects that could potentially impact American Indian tribes and their citizens

116. How do you interpret the United Nations Declaration on the Rights of Indigenous Peoples, especially as it relates to obligations of the federal government?

The federal government's obligations with respect to Indian tribes is defined by federal law.

117. Do you believe federal funding should be block granted to states to then disburse to tribes? Alternatively, should tribes receive their full and fair allocation of federal funding without being beholden to cumbersome state bureaucracy?

Federal funding should be disbursed to States and tribes in the manner directed by Congress.

118. What is the federal government's role in permitting extraction of mineral resources on federal Indian lands?

As trustee of federal Indian lands, the federal government's role is to act in the best interest of the tribes with regard to permitting extracting of mineral resources on those lands.

119. How will you promote economic development within Indian country?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me to promote economic development within Indian country.

120. How will you ensure the Bureau of Indian Education provides quality education to American Indian students?

The Bureau of Indian Education is overseen by the Department of the Interior, not EPA.

121. What is the role of the federal government to promote renewable energy development on American Indian lands?

The federal government's role in promoting renewable energy development on American Indian lands is determined by Congress. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress imposing upon EPA duties relating to promoting renewable energy development on American Indian lands.

122. What is the role of inter-agency cooperation to work across agencies on American Indian issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress imposing upon EPA duties relating to American Indian issues, and if faithful execution of those laws requires cooperation with other federal agencies, I will ensure that such cooperation occurs.

123. Will you work with the White House Inter-Agency Working Group on American Indian issues?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring or authorizing me to work with the White House Inter-Agency Working Group on American Indian issues.

Federal Indian law has long recognized that tribes maintain authority over Indian country to the exclusion of states. Oklahoma has 38 federally recognized Indian tribes and those tribes exert jurisdiction over their lands throughout the state. But as Oklahoma Attorney General, your office has never filed a brief in support of tribal jurisdiction. Instead, your office filed briefs in *ODEQ v. EPA*, the Dollar General case, and several other cases OPPOSING tribal jurisdiction.

124. How can you hope to serve as a protector of tribal lands when you have, over and over again, advocated to deny tribal governments the right to regulate and protect their OWN resources?

As Oklahoma Attorney General, my duty was to ensure that the State of Oklahoma's jurisdiction was fully realized, and sometimes took legal actions in pursuit of that duty. If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me serve as a protector of tribal lands.

Indian lands outside reservation boundaries. The EPA has, since at least 1984, recognized the federal government's trust responsibility, which is built upon the longstanding historical and legal relationship between the federal government and Indian tribes. The EPA has also acknowledged that treaties, as part of the supreme law of the land, have the same legal force as federal statutes and must be considered when making agency decisions.

125. How will you work to protect tribal treaty lands and resources that lie outside of reservation boundaries, and how will you help expand tribal authority over those lands and resources?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress directing or authorizing me to regulate tribal treaty lands and resources and directing or authorizing me to seek to expand tribal authority over those lands and resources.

Tribal communities, especially those in Alaska, have borne the brunt of the impacts of climate change. Several Native Alaskan villages have seen their entire way of life vanish as their homes have begun to erode away beneath their feet due to rising sea levels. Others have seen vital food supplies contaminated and sacred species of fish devastated by climate change.

126. How do you plan to protect native peoples from the effects of climate change?

If confirmed as EPA Administrator, I will adhere to the applicable statutory authorities to fulfill EPA's mission to protect human health and the environment for all of our nation's citizens.

127. There are established consultation processes set up for Indian Nations. Will you have "meaningful" talks with them? Will your Agency be transparent in all dealings with Tribal Nations? Will you be honest and fair?

If confirmed as Administrator, I will faithfully execute all laws enacted by Congress requiring consultation processes for Indian tribes. I will engage all who have business before the EPA--including Indian tribes--in meaningful, transparent, honest, and fair processes.

Senator Sullivan:

1. Alaska's seafood industry is the nation's largest and is one of major employer's in the Alaska economy. In fact, over 60 percent of the nation's commercially harvested fishery resources are caught and processed in Alaska. Alaska's waters remain some of the cleanest and most pristine in the nation. Most of the seafood processors who process these great resources are located in remote areas of Alaska. Each of those processors hold Clean Water Act discharge permits for the small amounts of seafood waste produced during procession operations.

EPA has delegated the management of those discharge permits to the State of Alaska Department of Environmental Conservation as directed by the CWA. In spite of that delegation, EPA remains actively involved in deciding issues that impact the ability of the state agency to accomplish its mission. For example, the EPA is currently considering a rule change that would dramatically impact the operation of seafood processing plants in those remote areas. That change could result in some of those operations having to cease processing because they cannot comply with this rule change. The current rule has been in place for almost 35 years and there is no water quality problem in the locations to justify such a rule change.

Will you commit to reviewing this proposal and confer with the Alaska Congressional Delegation prior to making any change to the current status?

If confirmed, I will review this proposal and confer with the Alaska Congressional Delegation prior to changing the Clean Water Act regulations currently applicable to seafood processors.

The Alaska Department of Environmental Conservation has recently issued a draft Clean Water Act APDES permit to allow seafood processors to continue discharging small amounts of waste pursuant to the Clean Water Act. Unfortunately, EPA is objecting to some of the permit conditions. Again, they are doing so with no known water quality issues or public concern about those conditions. Rather, it appears as though the EPA does not approve of the manner in which our state agency is pursuing its obligations. As a former State of Alaska Department of Natural Resources Commissioner, I have great faith in the ability of state employees to make solid permitting decisions that will protect the state's environment while allowing operations and employment to continue that are compliant with the Clean Water Act.

2. Will you commit to reviewing these EPA actions and allow the state to issue its permit?

Yes, if confirmed, I will review EPA's actions as they relate to Alaska seafood processing permits. As I stated in my testimony, I support national standards and neighborhood solutions.

3. CERCLA Financial Assurance Requirements under Section 108(b):

On December 1, 2016 the Environmental Protection Agency issued a proposed rule under Section 108(b) of the Comprehensive Environmental Response, Compensation and Liability Act that would require hard rock mines to obtain additional and duplicate financial assurance requirements for copper, gold, iron, zinc and other hard rock mines. If this proposed rule is finalized, the financial assurance requirements would likely result in significant redundant costs for mining corporations. EPA has indicated that these regulations will expand to the oil and gas sector next. If confirmed would you work to ensure that any new rules or regulations are not duplicative of rules imposed by other federal agencies or states?

I am not familiar with the details of this rulemaking action and would not want to prejudge the issue prior to being confirmed as Administrator. However, if confirmed I will work to ensure EPA complies with all applicable legal requirements, including those related to analyzing impacts on small businesses, as part of this or any other rulemaking.

4. Section 404(c) of the Clean Water Act:

Do you believe that EPA's use of a preemptive veto of a project under section 404(c) of the Clean Water Act may create the opportunity for overreach by the agency and could undermine administrative process and the rule of law?

As I stated in my testimony, I believe that it is very important that federal agencies follow the appropriate legal process when taking any actions. Any preemptive action before the completion of a statutorily mandated process could undermine both the administrative process and the rule of law.

Senator Whitehouse:

1. Estuaries are important coastal habitats that sustain unique wildlife and plant species, serve as nurseries for commercially important fish, buffer coastal communities from coastal storms, and filter water as it flows into the ocean. The EPA manages a network of 28 estuaries of national significance around the country. Last Congress, the National Estuary Program (NEP) was reauthorized through 2021 (Public Law No. 114-162) in a bipartisan effort and charged with providing grants to support projects that address a number of problems facing estuarine and coastal environments, including seagrass habitat loss, harmful algal blooms, invasive species, and sea level rise. Coming from a non-coastal state, please describe in detail how you will acquaint yourself with 1) the NEP, and 2) coastal issues the NEP helps address.

If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.

2. Each NEP must institute a Comprehensive Conservation and Management Plan (CCMP) to guide management and conservation decisions at the NEP. The effects of climate change on estuaries (i.e., saltwater inundation, increased rainfall-driven runoff, warming waters) are included in these CCMPs. Would you direct the NEPs to disregard the consequences of climate change in the CCMPs and other decision-making reports and tools?

If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority. If confirmed, I will follow all as enacted by Congress.

3. The Climate Ready Estuaries program coordinates with the NEP to educate managers on how to assess the effects of climate change on U.S. estuaries. It also provides recommendations and toolkits to help design climate change adaptation and risk identification capabilities. Will you direct the Climate Ready Estuaries program to remove any materials, cancel any webinars or presentations, or stop its coordinated work on climate change with the NEPs?

I am not familiar with the details of the specific program referenced in your question. If confirmed, I would expect to be briefed by EPA staff on the relevant statutory authority and any EPA programs established pursuant to this authority.

4. Marine debris is a growing problem around the world, with plastic debris being the most troublesome component due to its pervasiveness and persistence in the marine environment. The EPA is currently a co-chair of the federal Interagency Marine Debris Coordinating Committee. Under your direction, will the EPA to maintain a leadership role on the committee? How will you continue EPA's